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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/990,046	11/20/2001	Frederic J. de Sauvage	P1405R1C1	1433
<div>9157 7590 08/10/2007</div> <div>GENENTECH, INC.</div> <div>1 DNA WAY</div> <div>SOUTH SAN FRANCISCO, CA 94080</div>				
			<div>EXAMINER</div> <div>HOWARD, ZACHARY C</div>	
			<div>ART UNIT</div> <div>1646</div>	<div>PAPER NUMBER</div>
			<div>MAIL DATE</div> <div>08/10/2007</div>	<div>DELIVERY MODE</div> <div>PAPER</div>

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of Non-Compliant Amendment (37 CFR 1.121)

Application No.

09/990,046

Examiner

Zachary C. Howard

Applicant(s)

DE SAUVAGE ET AL.

Art Unit

1646

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

The amendment document filed on 15 June 2007 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121 or 1.4. In order for the amendment document to be compliant, correction of the following item(s) is required.

THE FOLLOWING MARKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- ☐ 1. Amendments to the specification:
 - ☐ A. Amended paragraph(s) do not include markings.
 - ☐ B. New paragraph(s) should not be underlined.
 - ☐ C. Other _____.
- ☐ 2. Abstract:
 - ☐ A. Not presented on a separate sheet. 37 CFR 1.72.
 - ☐ B. Other _____.
- ☐ 3. Amendments to the drawings:
 - ☐ A. The drawings are not properly identified in the top margin as "Replacement Sheet," "New Sheet," or "Annotated Sheet" as required by 37 CFR 1.121(d).
 - ☐ B. The practice of submitting proposed drawing correction has been eliminated. Replacement drawings showing amended figures, without markings, in compliance with 37 CFR 1.84 are required.
 - ☐ C. Other _____.
- ☒ 4. Amendments to the claims:
 - ☐ A. A complete listing of all of the claims is not present.
 - ☐ B. The listing of claims does not include the text of all pending claims (including withdrawn claims)
 - ☐ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified. Note: the status of every claim must be indicated after its claim number by using one of the following status identifiers: (Original), (Currently amended), (Canceled), (Previously presented), (New), (Not entered), (Withdrawn) and (Withdrawn-currently amended).
 - ☐ D. The claims of this amendment paper have not been presented in ascending numerical order.
 - ☒ E. Other: See Continuation Sheet.
- ☐ 5. Other (e.g., the amendment is unsigned or not signed in accordance with 37 CFR 1.4):

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP § 714.

TIME PERIODS FOR FILING A REPLY TO THIS NOTICE:

1. Applicant is given **no new time period** if the non-compliant amendment is an after-final amendment or an amendment filed after allowance. If applicant wishes to resubmit the non-compliant after-final amendment with corrections, the **entire corrected amendment** must be resubmitted.
2. Applicant is given **one month**, or thirty (30) days, whichever is longer, from the mail date of this notice to supply the correction, if the non-compliant amendment is one of the following: a preliminary amendment, a non-final amendment (including a submission for a request for continued examination (RCE) under 37 CFR 1.114), a supplemental amendment filed within a suspension period under 37 CFR 1.103(a) or (c), and an amendment filed in response to a *Quayle* action. If any of above boxes 1. to 4. are checked, the correction required is only the **corrected section** of the non-compliant amendment in compliance with 37 CFR 1.121.

Extensions of time are available under 37 CFR 1.136(a) only if the non-compliant amendment is a non-final amendment or an amendment filed in response to a *Quayle* action.

Failure to timely respond to this notice will result in:

Abandonment of the application if the non-compliant amendment is a non-final amendment or an amendment filed in response to a *Quayle* action; or

Non-entry of the amendment if the non-compliant amendment is a preliminary amendment or supplemental amendment.

Legal Instruments Examiner (LIE), if applicable

Telephone No.

Continuation of 4(e) Other: 37 CFR 1.121(c) states "Amendments to a claim must be made by rewriting the entire claim with all changes (e.g., additions and deletions) as indicated in this subsection" and "All claims being currently amended in an amendment paper shall be presented in the claim listing, indicate a status of "currently amended," and be submitted with markings to indicate the changes that have been made relative to the immediate prior version of the claims. The text of any added subject matter must be shown by underlining the added text. The text of any deleted matter must be shown by strike-through except that double brackets placed before and after the deleted characters may be used to show deletion of five or fewer consecutive characters".

In the instant application, the amended claims submitted 6/15/07 do not include markings that indicate all of the changes that have been made relative to the immediate prior version of the claims. Specifically, each of claims 29, 39 and 49 do not indicate all of the changes between the version submitted 6/15/07 and the prior version of the claims submitted 10/4/06.

With respect to claim 29, the amended claim does not indicate the following changes:

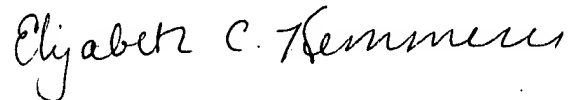
- (1) In the 10/4/06 version, the word "patched-2" was twice italicized. However, in the 6/15/07 version the word is not italicized in either location, and there are no markings to indicate this amendment.
- (2) In the 10/4/06 version, the recitation of "(1)" was deleted following the word "polypeptide" in line 2. However, in the 6/15/07 version, line 2 recites "polypeptide (1)" and there are no marking to indicate this amendment.
- (3) In the 10/4/06 version, the recitation of "from 1 to 5 conservatively substituted, added or deleted amino acid residues, and (2) which" was deleted from line 3. However, in the 6/15/07 version, line 3 includes this phrase, and there are no markings to indicate this amendment.

With respect to claim 39, the amended claim does not indicate the following changes:

- (1) In the 10/4/06 version, the word "patched-2" was twice italicized. However, in the 6/15/07 version the word is not italicized in either location, and there are no markings to indicate this amendment.
- (2) In the 10/4/06 version, the recitation of "(1)" was deleted following the word "polypeptide" in line 2. However, in the 6/15/07 version, line 2 recites "polypeptide (1)" and there are no marking to indicate this amendment.
- (3) In the 10/4/06 version, the recitation of "from 1 to 5 conservatively substituted, added or deleted amino acid residues, and (2) which" was deleted from line 3. However, in the 6/15/07 version, line 3 includes this phrase, and there are no markings to indicate this amendment.

With respect to claim 49, the amended claim does indicate the following change:

- (1) In the 10/4/06 version, the word "patched-2" was italicized. However, in the 6/15/07 version the word is not italicized in either location, and there are no markings to indicate this amendment.



ELIZABETH KEMMERER
PRIMARY EXAMINER